

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1270
AND
HOUSE BILL NO. 2032

AN ACT

To repeal sections 61.021, 300.075, 300.080, 300.100, 300.105, 300.110, 300.125, 300.160, 300.215, 300.300, 300.348, 300.350, 300.585, 300.595, 302.130, 302.137, 302.321, 302.720, 304.001, 304.022, 304.027, 304.200, 575.010 and 575.150, RSMo, relating to motor vehicles, and to enact in lieu thereof thirty-three new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 61.021, 300.075, 300.080, 300.100,
2 300.105, 300.110, 300.125, 300.160, 300.215, 300.300, 300.348,
3 300.350, 300.585, 300.595, 302.130, 302.137, 302.321, 302.720,
4 304.001, 304.022, 304.027, 304.200, 575.010 and 575.150, RSMo,
5 are repealed and thirty-three new sections enacted in lieu
6 thereof, to be known as sections 37.450, 37.452, 226.1115,
7 300.075, 300.080, 300.100, 300.105, 300.110, 300.160, 300.215,
8 300.300, 300.348, 300.350, 300.585, 302.130, 302.137, 302.321,
9 302.720, 304.001, 304.022, 304.027, 304.028, 304.200, 304.370,
10 307.205, 307.207, 307.209, 307.211, 307.402, 575.010, 575.145,
11 575.150 and 622.555, to read as follows:

12 37.450. 1. As used in this section, the following terms

1 shall mean:

2 (1) "Commissioner", the commissioner of administration;

3 (2) "Fleet manager", the state vehicle fleet manager
4 created pursuant to subsection 2 of this section;

5 (3) "State vehicle fleet", all vehicles used by the state
6 or titled to the state for the purpose of conducting state
7 business; and

8 (4) "Vehicle", as defined in section 301.010, RSMo.

9 2. There is hereby created within the office of
10 administration the position of state vehicle fleet manager. The
11 fleet manager shall be appointed by the commissioner of
12 administration pursuant to the provisions of chapter 36, RSMo.

13 3. The fleet manager shall institute and supervise a state
14 fleet vehicle tracking system in which the cost of owning and
15 operating each state vehicle is documented by the agency owning
16 the vehicle. All state agencies shall report the purchase and
17 the sale of any vehicle to the fleet manager and provide any
18 additional information requested by the fleet manager in the
19 format, manner and frequency determined by the office of
20 administration. The fleet manager shall have the authority to
21 suspend any agency's use of its credits established pursuant to
22 section 37.452 if the agency does not comply with the
23 requirements of this section or section 307.402, RSMo, until he
24 or she is satisfied that such compliance is achieved.

25 4. The fleet manager shall submit an annual report to the
26 speaker of the house of representatives, the president pro
27 tempore of the senate and the governor before January thirty-
28 first of each year. The fleet manager's report shall consist of

1 the status of the state vehicle fleet and any recommendations for
2 improvements and changes necessary for more efficient management
3 of the fleet.

4 5. The office of administration shall establish guidelines
5 for determining the most cost-effective and reasonable mode of
6 travel under the circumstances for single trips from the
7 following options: passenger rail, vehicle rental, fleet
8 checkout and reimbursement for personal car use.

9 6. The commissioner shall issue policies governing the
10 acquisition, assignment, use, replacement and maintenance of
11 state-owned vehicles.

12 7. Each agency shall pay a state vehicle fleet fee, as
13 determined by the office of administration, for each vehicle it
14 owns for the purpose of funding the state fleet vehicle tracking
15 system and for other administrative expenses incurred in
16 management of the state vehicle fleet. Any agency that owns at
17 least one thousand vehicles shall receive a credit against the
18 state vehicle fleet fee for the internal fleet management
19 services performed by such agency, provided such agency furnishes
20 all information required by the fleet manager.

21 8 State agencies shall be responsible for ensuring that
22 state vehicles are used only for state business and not for
23 private purposes.

24 37.452. Provisions of section 37.090 notwithstanding, all
25 proceeds generated by the sale of a surplus vehicle, except
26 proceeds generated from the department of transportation, the
27 department of conservation, the Missouri state highway patrol and
28 all state colleges and universities may be deposited in the state

1 treasury to the credit of the office of administration revolving
2 administrative trust fund and credited to the state agency owning
3 the vehicle at the time of sale. Upon appropriation, moneys
4 credited to agencies from the sale of surplus state fleet
5 vehicles shall be used solely for the purchase of vehicles for
6 the respective agency.

7 226.1115. If the department of transportation removes
8 property from any roadway of this state pursuant to section
9 304.155, RSMo, such property shall be immediately taken to the
10 shoulder or berm of the roadway, and the department employees
11 shall not use a wrecker, tow truck or roll-back in the removal
12 process.

13 300.075. 1. It shall be the duty of the officers of the
14 police department or such officers as are assigned by the chief
15 of police to enforce all [street] traffic laws of the city and
16 all of the state vehicle laws applicable to [street] traffic in
17 the city.

18 2. Officers of the police department or such officers as
19 are assigned by the chief of police are hereby authorized to
20 direct all traffic by voice, hand, or signal in conformance with
21 traffic laws; provided that, in the event of a fire or other
22 emergency or to expedite traffic or to safeguard pedestrians,
23 officers of the police department may direct traffic as
24 conditions may require notwithstanding the provisions of the
25 traffic laws.

26 3. Officers of the fire department, when at the scene of [a
27 fire] an incident, may direct or assist the police in directing
28 traffic thereat or in the immediate vicinity.

1 300.080. No person shall [~~willfully~~] knowingly fail or
2 refuse to comply with any lawful order or direction of a police
3 officer or fire department official.

4 300.100. 1. The driver of an authorized emergency vehicle,
5 when responding to an emergency call or when in the pursuit of an
6 actual or suspected violator of the law or when responding to but
7 not upon returning from a fire alarm, may exercise the privileges
8 set forth in this section, but subject to the conditions herein
9 stated.

10 2. The driver of an authorized emergency vehicle may:

11 (1) Park or stand, irrespective of the provisions of this
12 ordinance;

13 (2) Proceed past a red or stop signal or stop sign, but
14 only after slowing down as may be necessary for safe operation;

15 (3) Exceed the maximum speed limits so long as he does not
16 endanger life or property;

17 (4) Disregard regulations governing direction of movement
18 or turning in specified directions.

19 3. The exemptions herein granted to an authorized emergency
20 vehicle shall apply only when the driver of any said vehicle
21 while in motion sounds audible signal by [~~bell,~~] siren[,]
22 [~~exhaust whistle as may be reasonably necessary, and when the~~
23 vehicle is equipped with] while having at least one lighted lamp
24 [~~displaying~~] exhibiting a red light visible under normal
25 atmospheric conditions from a distance of five hundred feet to
26 the front of such vehicle or a flashing blue light authorized by
27 section 307.175, RSMo.

28 4. The foregoing provisions shall not relieve the driver of

1 an authorized emergency vehicle from the duty to drive with due
2 regard for the safety of all persons, nor shall such provisions
3 protect the driver from the consequences of his reckless
4 disregard for the safety of others.

5 300.105. 1. Upon the immediate approach of an authorized
6 emergency vehicle making use of audible and visual signals
7 meeting the requirements of the laws of this state, or of a
8 police vehicle properly and lawfully making use of an audible
9 signal only[:

10 (1)] the driver of every other vehicle shall yield the
11 right-of-way and shall immediately drive to a position parallel
12 to, and as close as possible to, the right-hand edge or curb of
13 the roadway clear of any intersection and shall stop and remain
14 in such position until the authorized emergency vehicle has
15 passed, except when otherwise directed by a police officer[;

16 (2) Upon the approach of an authorized emergency vehicle,
17 as above stated, the motorman of every streetcar shall
18 immediately stop such car clear of any intersection and keep it
19 in such position until the authorized emergency vehicle has
20 passed, except when otherwise directed by a police officer].

21 2. This section shall not operate to relieve the driver of
22 an authorized emergency vehicle from the duty to drive with due
23 regard for the safety of all persons using the highway.

24 300.110. The driver of a vehicle involved in an accident
25 within the city resulting in injury to or death of any person or
26 total property damage to an apparent extent of five hundred
27 dollars or more to one person shall [immediately by the quickest
28 means of communication] give, or cause to be given, notice of

1 such accident to the police department [if such accident occurs
2 within the city] as soon as reasonably possible.

3 300.160. Whenever special pedestrian control signals
4 exhibiting the words "Walk" or "Don't Walk", or appropriate
5 symbols are in place such signals shall indicate as follows:

6 (1) "Walk", pedestrians facing such signal may proceed
7 across the roadway in the direction of the signal and shall be
8 given the right-of-way by the drivers of all vehicles;

9 (2) "Wait" or "Don't Walk", no pedestrian shall start to
10 cross the roadway in the direction of such signal, but any
11 pedestrian who has partially completed his crossing on the walk
12 signal shall proceed to a sidewalk or safety zone while the wait
13 signal is showing.

14 300.215. The driver of a vehicle intending to turn at an
15 intersection shall do so as follows:

16 (1) Right turns: Both the approach for a right turn and a
17 right turn shall be made as close as practicable to the
18 right-hand curb or edge of the roadway, except where multiple
19 turn lanes have been established.

20 (2) Left turns on two-way roadways: At any intersection
21 where traffic is permitted to move in both directions on each
22 roadway entering the intersection, an approach for a left turn
23 shall be made in that portion of the right half of the roadway
24 nearest the center line thereof and by passing to the right of
25 such center line where it enters the intersection and after
26 entering the intersection the left turn shall be made so as to
27 leave the intersection to the right of the center line of the
28 roadway being entered. Whenever practicable the left turn shall

1 be made in that portion of the intersection to the left of the
2 center of the intersection.

3 (3) Left turns on other than two-road roadways: At any
4 intersection where traffic is restricted to one direction on one
5 or more of the roadways, the driver of a vehicle intending to
6 turn left at any such intersection shall approach the
7 intersection in the extreme left-hand lane lawfully available to
8 traffic moving in the direction of travel of such vehicle and
9 after entering the intersection the left turn shall be made so as
10 to leave the intersection, as nearly as practicable, in the
11 left-hand lane lawfully available to traffic moving in such
12 direction upon the roadway being entered, except where multiple
13 turn lanes have been established.

14 (4) Designated two-way left turn lanes: Where a special
15 lane for making left turns by drivers proceeding in opposite
16 directions have been indicated by official traffic control
17 devices:

18 (a) A left turn shall not be made from any other lane;

19 (b) A vehicle shall not be driven in the lane except when
20 preparing for or making a left turn from or into the roadway or
21 when preparing for or making a u-turn when otherwise permitted by
22 law;

23 (c) A vehicle shall not be driven in the lane for a
24 distance more than five hundred feet.

25 300.300. The driver of any vehicle other than one on
26 official business shall not follow any [fire apparatus] emergency
27 vehicle traveling in response to [a fire alarm] an emergency call
28 closer than five hundred feet or drive into or park such vehicle

1 within the block where fire apparatus has stopped in answer to a
2 fire alarm.

3 300.348. 1. No person shall operate an all-terrain
4 vehicle, as defined in section 300.010, upon the streets and
5 highways of this city, except as follows:

6 (1) All-terrain vehicles owned and operated by a
7 governmental entity for official use;

8 (2) All-terrain vehicles operated for agricultural purposes
9 or industrial on-premises purposes between the official sunrise
10 and sunset on the day of operation;

11 (3) All-terrain vehicles whose operators carry a special
12 permit issued by this city pursuant to section 304.013, RSMo.

13 2. No person shall operate an off-road vehicle, as defined
14 in section 304.001, RSMo, within any stream or river in this
15 city, except that off-road vehicles may be operated within
16 waterways which flow within the boundaries of land which an
17 off-road vehicle operator owns, or for agricultural purposes
18 within the boundaries of land which an off-road vehicle operator
19 owns or has permission to be upon, or for the purpose of fording
20 such stream or river of this state at such road crossings as are
21 customary or part of the highway system. All law enforcement
22 officials or peace officers of this state and its political
23 subdivisions shall enforce the provisions of this subsection
24 within the geographic area of their jurisdiction.

25 3. A person operating an all-terrain vehicle on a street or
26 highway pursuant to an exception covered in this section shall
27 have a valid [operator's or chauffeur's] license issued by a
28 state authorizing such person to operate a motor vehicle, but

1 shall not be required to have passed an examination for the
2 operation of a motorcycle, and the vehicle shall be operated at
3 speeds of less than thirty miles per hour. When operated on a
4 street or highway, an all-terrain vehicle shall have a bicycle
5 safety flag, which extends not less than seven feet above the
6 ground, attached to the rear of the vehicle. The bicycle safety
7 flag shall be triangular in shape with an area of not less than
8 thirty square inches and shall be day-glow in color.

9 4. No person shall operate an all-terrain vehicle:

10 (1) In any careless way so as to endanger the person or
11 property of another;

12 (2) While under the influence of alcohol or any controlled
13 substance; or

14 (3) Without a securely fastened safety helmet on the head
15 of an individual who operates an all-terrain vehicle or who is
16 being towed or otherwise propelled by an all-terrain vehicle,
17 unless the individual is at least eighteen years of age.

18 5. No operator of an all-terrain vehicle shall carry a
19 passenger, except for agricultural purposes.

20 6. A violation of this section shall be a class C
21 misdemeanor.

22 300.350. No person riding upon any bicycle, motorized
23 bicycle, coaster, roller skates, sled or toy vehicle shall attach
24 the same or himself to any vehicle upon a roadway. Neither shall
25 the driver of a vehicle knowingly pull a rider behind a vehicle.

26 300.585. Whenever any motor vehicle without driver is found
27 parked or stopped in violation of any of the restrictions imposed
28 by ordinance of the city or by state law, the officer finding

1 such vehicle shall take its registration number and may take any
2 other information displayed on the vehicle which may identify its
3 user, and shall conspicuously affix to such vehicle a uniform
4 traffic ticket or other citation for the driver to answer to the
5 charge against him within [five] seven days during the hours and
6 at a place specified in the traffic ticket.

7 302.130. 1. Any person at least fifteen years of age who,
8 except for age or lack of instruction in operating a motor
9 vehicle, would otherwise be qualified to obtain a license
10 pursuant to sections 302.010 to 302.340 may apply for and the
11 director shall issue a temporary instruction permit entitling the
12 applicant, while having such permit in the applicant's immediate
13 possession, to drive a motor vehicle of the appropriate class
14 upon the highways for a period of twelve months, but any such
15 person, except when operating a motorcycle or motortricycle, must
16 be accompanied by a licensed operator for the type of motor
17 vehicle being operated who is actually occupying a seat beside
18 the driver for the purpose of giving instruction in driving the
19 motor vehicle, who is at least twenty-one years of age, and in
20 the case of any driver under sixteen years of age, the licensed
21 operator occupying the seat beside the driver shall be a
22 grandparent, parent, guardian, a driver training instructor
23 holding a valid driver education endorsement on a teaching
24 certificate issued by the department of elementary and secondary
25 education or a qualified instructor of a private drivers'
26 education program who has a valid driver's license. Beginning
27 January 1, 2001, an applicant for a temporary instruction permit
28 shall successfully complete a vision test and a test of the

1 applicant's ability to understand highway signs which regulate,
2 warn or direct traffic and practical knowledge of the traffic
3 laws of this state, pursuant to section 302.173. In addition,
4 beginning January 1, 2001, no permit shall be granted pursuant to
5 this subsection unless a parent or legal guardian gives written
6 permission by signing the application and in so signing, state
7 they, or their designee as set forth in subsection 2 of this
8 section, will provide a minimum of twenty hours of
9 behind-the-wheel driving instruction. The twenty hours of
10 behind-the-wheel driving instruction that is completed pursuant
11 to this subsection may include any time that the holder of an
12 instruction permit has spent operating a motor vehicle in a
13 driver training program taught by a driver training instructor
14 holding a valid driver education endorsement on a teaching
15 certificate issued by the department of elementary and secondary
16 education or by a qualified instructor of a private drivers'
17 education program. If the applicant for a permit is enrolled in
18 a federal residential job training program, the instructor, as
19 defined in subsection 5 of this section, is authorized to sign
20 the application stating that the applicant will receive the
21 behind-the-wheel driving instruction required by this section.

22 2. In the event the parent, grandparent or guardian of the
23 person under sixteen years of age has a physical disability which
24 prohibits or disqualifies said parent, grandparent or guardian
25 from being a qualified licensed operator pursuant to this
26 section, said parent, grandparent or guardian may designate a
27 maximum of two individuals authorized to accompany the applicant
28 for the purpose of giving instruction in driving the motor

1 vehicle. An authorized designee must be a licensed operator for
2 the type of motor vehicle being operated and have attained
3 twenty-one years of age. At least one of the designees must
4 occupy the seat beside the applicant while giving instruction in
5 driving the motor vehicle. The name of the authorized designees
6 must be provided to the department of revenue by the parent,
7 grandparent or guardian at the time of application for the
8 temporary instruction permit. The name of each authorized
9 designee shall be printed on the temporary instruction permit,
10 however, the director may delay the time at which permits are
11 printed bearing such names until the inventories of blank permits
12 and related forms existing on August 28, 1998, are exhausted.

13 3. The director, upon proper application on a form
14 prescribed by the director, in his or her discretion, may issue a
15 restricted instruction permit effective for a school year or more
16 restricted period to an applicant who is enrolled in a high
17 school driver training program taught by a driver training
18 instructor holding a valid driver education endorsement on a
19 teaching certificate issued by the state department of elementary
20 and secondary education even though the applicant has not reached
21 the age of sixteen years but has passed the age of fifteen years.
22 Such instruction permit shall entitle the applicant, when the
23 applicant has such permit in his or her immediate possession, to
24 operate a motor vehicle on the highways, but only when a driver
25 training instructor holding a valid driver education endorsement
26 on a teaching certificate issued by the state department of
27 elementary and secondary education is occupying a seat beside the
28 driver.

1 4. The director, in his or her discretion, may issue a
2 temporary driver's permit to an applicant who is otherwise
3 qualified for a license permitting the applicant to operate a
4 motor vehicle while the director is completing the director's
5 investigation and determination of all facts relative to such
6 applicant's rights to receive a license. Such permit must be in
7 the applicant's immediate possession while operating a motor
8 vehicle, and it shall be invalid when the applicant's license has
9 been issued or for good cause has been refused.

10 5. In the event that the applicant for a temporary
11 instruction permit described in subsection 1 of this section is a
12 participant in a federal residential job training program, the
13 permittee may operate a motor vehicle accompanied by a driver
14 training instructor who holds a valid driver education
15 endorsement issued by the department of elementary and secondary
16 education and a valid driver's license.

17 6. A person at least fifteen years of age may operate a
18 motor vehicle as part of a driver training program taught by a
19 driver training instructor holding a valid driver education
20 endorsement on a teaching certificate issued by the department of
21 elementary and secondary education or a qualified instructor of a
22 private drivers' education program.

23 7. Beginning January 1, 2003, the director shall issue with
24 every temporary instruction permit issued pursuant to subsection
25 1 of this section a sticker or sign bearing the words "PERMIT
26 DRIVER". The design and size of such sticker or sign shall be
27 determined by the director by regulation. Every applicant issued
28 a temporary instruction permit and sticker on or after January 1,

1 2003, may display or affix the sticker or sign on the rear window
2 of the motor vehicle. Such sticker or sign may be displayed on
3 the rear window of the motor vehicle whenever the holder of the
4 instruction permit operates a motor vehicle during his or her
5 temporary permit licensure period.

6 8. The director may adopt rules and regulations necessary
7 to carry out the provisions of this section.

8 302.137. 1. There is hereby created in the state treasury
9 for use by the department of public safety a fund to be known as
10 the "Motorcycle Safety Trust Fund". All judgments collected
11 pursuant to this section, appropriations of the general assembly,
12 federal grants, private donations and any other moneys designated
13 for the motorcycle safety education program established pursuant
14 to sections 302.133 to 302.138 shall be deposited in the fund.
15 Moneys deposited in the fund shall, upon appropriation by the
16 general assembly to the department of public safety, be received
17 and expended by the department of public safety for the purpose
18 of funding the motorcycle safety education program established
19 under sections 302.133 to 302.138. Notwithstanding the
20 provisions of section 33.080, RSMo, to the contrary, any
21 unexpended balance in the motorcycle safety trust fund at the end
22 of any biennium shall not be transferred to the general revenue
23 fund.

24 2. [Any person who violates a Missouri law or a municipal
25 or county ordinance, when the court finds that the violation
26 occurred when the defendant was the operator of a motorcycle or
27 motortricycle, shall have a judgment entered against the
28 defendant in favor of the state of Missouri motorcycle safety

1 trust fund, in the amount of five dollars. Any motor vehicle
2 operator who violates a state law or municipal or county
3 ordinance where the violation involves a motorcycle or
4 motortricycle or where the operator causes an accident involving
5 a motorcycle or motortricycle shall have a judgment entered
6 against the defendant in favor of the state of Missouri
7 motorcycle safety trust fund, of an additional amount of five
8 dollars.

9 3. The amounts assessable as judgments pursuant to this
10 section shall be doubled if the operator at fault is found by the
11 court to have violated any state law or local ordinance relating
12 to the consumption of alcohol.

13 4. The judgments collected pursuant to this section shall
14 be paid into the state treasury to the credit of the motorcycle
15 safety trust fund created in this section. Any court clerk
16 receiving funds pursuant to judgments entered pursuant to this
17 section shall collect and disburse such amounts as provided in
18 sections 488.010 to 488.020, RSMo.] In all criminal cases,
19 including violations of any county ordinance or any violation of
20 criminal or traffic laws of this state, including an infraction,
21 there shall be assessed as costs a surcharge in the amount of one
22 dollar. No such surcharge shall be collected in any proceeding
23 involving a violation of an ordinance or state law when the
24 proceeding or defendant has been dismissed by the court or when
25 costs are to be paid by the state, county or municipality.

26 3. Such surcharge shall be collected and distributed by the
27 clerk of the court as provided in sections 488.010 to 488.020,
28 RSMo. The surcharge collected pursuant to this section shall be

1 paid to the state treasury to the credit of the motorcycle safety
2 trust fund established in this section.

3 302.321. 1. A person commits the crime of driving while
4 revoked if he operates a motor vehicle on a highway when his
5 license or driving privilege has been canceled, suspended or
6 revoked under the laws of this state or any other state and acts
7 with criminal negligence with respect to knowledge of the fact
8 that his driving privilege has been canceled, suspended or
9 revoked.

10 2. Any person convicted of driving while revoked is guilty
11 of a class A misdemeanor. Any person with no prior
12 alcohol-related enforcement contacts as defined in section
13 302.525, convicted a fourth or subsequent time of driving while
14 revoked or a county or municipal ordinance of driving while
15 suspended or revoked where the judge in such case was an attorney
16 and the defendant was represented by or waived the right to an
17 attorney in writing and any person with a prior alcohol-related
18 enforcement contact as defined in section 302.525, convicted a
19 third or subsequent time of driving while revoked or a county or
20 municipal ordinance of driving while suspended or revoked where
21 the judge in such case was an attorney and the defendant was
22 represented by or waived the right to an attorney in writing is
23 guilty of a class D felony. No court shall suspend the
24 imposition of sentence as to such a person nor sentence such
25 person to pay a fine in lieu of a term of imprisonment, nor shall
26 such person be eligible for parole or probation until he has
27 served a minimum of forty-eight consecutive hours of
28 imprisonment, unless as a condition of such parole or probation,

1 such person performs at least ten days involving at least forty
2 hours of community service under the supervision of the court in
3 those jurisdictions which have a recognized program for community
4 service. Driving while revoked is a class D felony on the second
5 or subsequent conviction pursuant to section 577.010, RSMo, or a
6 fourth or subsequent conviction for any other offense.

7 302.720. 1. Except when operating under an instruction
8 permit as described in this section, no person may drive a
9 commercial motor vehicle unless the person has been issued a
10 commercial driver's license with applicable endorsements valid
11 for the type of vehicle being operated as specified in sections
12 302.700 to 302.780. A commercial driver's instruction permit
13 shall allow the holder of a valid license to operate a commercial
14 motor vehicle when accompanied by the holder of a commercial
15 driver's license valid for the vehicle being operated and who
16 occupies a seat beside the individual, or reasonably near the
17 individual in the case of buses, for the purpose of giving
18 instruction in driving the commercial motor vehicle. A
19 commercial driver's instruction permit shall be valid for the
20 vehicle being operated for a period of not more than six months,
21 and shall not be issued until the permit holder has met all other
22 requirements of sections 302.700 to 302.780, except for the
23 driving test. A permit holder, unless otherwise disqualified,
24 may be granted one six-month renewal within a one-year period.
25 The fee for such permit or renewal shall be five dollars. In the
26 alternative, a commercial driver's instruction permit shall be
27 issued for a thirty-day period to allow the holder of a valid
28 driver's license to operate a commercial motor vehicle if the

1 applicant has completed all other requirements except the driving
2 test. The permit may be renewed for one additional thirty-day
3 period and the fee for the permit and for renewal shall be five
4 dollars.

5 2. No person may be issued a commercial driver's license
6 until he has passed written and driving tests for the operation
7 of a commercial motor vehicle which complies with the minimum
8 federal standards established by the secretary and has satisfied
9 all other requirements of the Commercial Motor Vehicle Safety Act
10 of 1986 (Title XII of Pub. Law 99-570), as well as any other
11 requirements imposed by state law. Applicants for a hazardous
12 materials endorsement must also meet the requirements of the U.S.
13 Patriot Act of 2001 (Title X of Pub. Law 107-56) as specified and
14 required by regulations promulgated by the secretary. Nothing
15 contained in this subsection shall be construed as prohibiting
16 the director from establishing alternate testing formats for
17 those who are functionally illiterate; provided, however, that
18 any such alternate test must comply with the minimum requirements
19 of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of
20 Pub. Law 99-570) as established by the secretary.

21 (1) The written and driving tests shall be held at such
22 times and in such places as the director may designate. A
23 five-dollar examination fee shall be paid by the applicant upon
24 completion of any written or driving test. The director shall
25 delegate the power to conduct the examinations required under
26 sections 302.700 to 302.780 to any member of the highway patrol
27 or any person employed by the highway patrol qualified to give
28 driving examinations.

1 (2) The director shall adopt and promulgate rules and
2 regulations governing the certification of third-party testers by
3 the department of revenue. Such rules and regulations shall
4 substantially comply with the requirements of 49 CFR Part 383,
5 Section 383.75. A certification to conduct third-party testing
6 shall be valid for one year, and the department shall charge a
7 fee of one hundred dollars to issue or renew the certification of
8 any third-party tester. Any third-party tester who violates any
9 of the rules and regulations adopted and promulgated pursuant to
10 this section shall be subject to having his certification revoked
11 by the department. The department shall provide written notice
12 and an opportunity for the third-party tester to be heard in
13 substantially the same manner as provided in chapter 536, RSMo.
14 If any applicant submits evidence that he has successfully
15 completed a test administered by a third-party tester, the actual
16 driving test for a commercial driver's license may then be
17 waived.

18 (3) Every applicant for renewal of a commercial driver's
19 license shall provide such certifications and information as
20 required by the secretary and if such person transports a
21 hazardous material must also meet the requirements of the U.S.
22 Patriot Act of 2001 (Title X of Pub. Law 107-56) as specified and
23 required by regulations promulgated by the secretary, such person
24 shall be required to take the written test for such endorsement.
25 A five-dollar examination fee shall be paid for each test taken.

26 3. The director may waive the driving test for a commercial
27 driver's license if such applicant provides the certifications
28 required by regulations established by the secretary as a

1 substitute for the driving test and holds a valid license.

2 4. The certifications may include, but not be limited to,
3 stating that during the two-year period immediately prior to
4 applying for a commercial driver's license the applicant:

5 (1) Has not had more than one license;

6 (2) Has not had any license suspended, revoked, canceled or
7 disqualified;

8 (3) Has not had a conviction in any type of motor vehicle
9 for driving while intoxicated, driving while under the influence
10 of alcohol or controlled substance, leaving the scene of an
11 accident or felony involving the use of a commercial motor
12 vehicle;

13 (4) Has not violated any state law or county or municipal
14 ordinance relating to the operation of a motor vehicle in
15 connection with an accident; and

16 (5) Has no record of an accident in which such applicant
17 was at fault.

18 5. In order to be valid as a certification exempting the
19 applicant from the driving test, the applicant shall also provide
20 evidence and certify that:

21 (1) He is regularly employed in a job requiring him to
22 drive a commercial motor vehicle; and

23 (2) He has previously taken and passed a driving test given
24 by a state with a classified licensing and testing system, and
25 that the test was behind the wheel in a representative vehicle
26 for that applicant's license classification; or

27 (3) He has operated, for at least two years immediately
28 preceding application for a commercial driver's license, a

1 vehicle representative of the commercial motor vehicle the
2 applicant drives or expects to drive.

3 6. A commercial driver's license may not be issued to a
4 person while the person is disqualified from driving a commercial
5 motor vehicle, when a disqualification is pending in any state or
6 while the person's driver's license is suspended, revoked, or
7 canceled in any state; nor may a commercial driver's license be
8 issued unless the person first surrenders in a manner prescribed
9 by the director any commercial driver's license issued by another
10 state, which license shall be returned to the issuing state for
11 cancellation.

12 304.001. As used in this chapter and chapter 307, RSMo, the
13 following terms shall mean:

14 (1) "Abandoned property", any unattended motor vehicle,
15 trailer, all-terrain vehicle, outboard motor or vessel removed or
16 subject to removal from public or private property as provided in
17 sections 304.155 and 304.157, whether or not operational. For
18 any vehicle towed from the scene of an accident at the request of
19 law enforcement and not retrieved by the vehicle's owner within
20 five days of the accident, the agency requesting the tow shall be
21 required to write an abandoned property report or a crime inquiry
22 and inspection report;

23 (2) "Commercial vehicle enforcement officers", employees of
24 the Missouri state highway patrol who are not members of the
25 patrol but who are appointed by the superintendent of the highway
26 patrol to enforce the laws, rules, and regulations pertaining to
27 commercial vehicles, trailers, special mobile equipment and
28 drivers of such vehicles;

1 (3) "Commercial vehicle inspectors", employees of the
2 Missouri state highway patrol who are not members of the patrol
3 but who are appointed by the superintendent of the highway patrol
4 to supervise or operate permanent or portable weigh stations in
5 the enforcement of commercial vehicle laws;

6 (4) "Commission", the state highways and transportation
7 commission;

8 (5) "Department", the state transportation department;

9 (6) "Freeway", a divided state highway with four or more
10 lanes, with no access to the throughways except the established
11 interchanges and with no at-grade crossings;

12 (7) "Interstate highway", a state highway included in the
13 national system of interstate highways located within the
14 boundaries of Missouri, as officially designated or as may be
15 hereafter designated by the state highways and transportation
16 commission with the approval of the Secretary of Transportation,
17 pursuant to Title 23, U.S.C., as amended;

18 (8) "Members of the patrol", the superintendent, lieutenant
19 colonel, majors, captains, director of radio, lieutenants,
20 sergeants, corporals and patrolmen of the Missouri state highway
21 patrol;

22 (9) "Off-road vehicle", any vehicle designed for or capable
23 of cross-country travel on or immediately over land, water, ice,
24 snow, marsh, swampland, or other natural terrain without benefit
25 of a road or trail:

26 (a) Including, without limitation, the following:

27 a. Jeeps;

28 b. All-terrain vehicles;

1 c. Dune buggies;
2 d. Multiwheel drive or low-pressure tire vehicles;
3 e. Vehicle using an endless belt, or tread or treads, or a
4 combination of tread and low-pressure tires;
5 f. Motorcycles, trail bikes, minibikes and related
6 vehicles;
7 g. Any other means of transportation deriving power from
8 any source other than muscle or wind; and
9 (b) Excluding the following:
10 a. Registered motorboats;
11 b. Aircraft;
12 c. Any military, fire or law enforcement vehicle;
13 d. Farm-type tractors and other self-propelled equipment
14 for harvesting and transporting farm or forest products;
15 e. Any vehicle being used for farm purposes, earth moving,
16 or construction while being used for such purposes on the work
17 site;
18 f. Self-propelled lawnmowers, or lawn or garden tractors,
19 or golf carts, while being used exclusively for their designed
20 purpose; and
21 g. Any vehicle being used for the purpose of transporting a
22 handicapped person;
23 (10) "Person", any natural person, corporation, or other
24 legal entity;
25 (11) "Right-of-way", the entire width of land between the
26 boundary lines of a state highway, including any roadway;
27 (12) "Roadway", that portion of a state highway ordinarily
28 used for vehicular travel, exclusive of the berm or shoulder;

1 (13) "State highway", a highway constructed or maintained
2 by the state highways and transportation commission with the aid
3 of state funds or United States government funds, or any highway
4 included by authority of law in the state highway system,
5 including all right-of-way;

6 (14) "Towing company", any person or entity which tows,
7 removes or stores abandoned property;

8 (15) "Urbanized area", an area with a population of fifty
9 thousand or more designated by the Bureau of the Census, within
10 boundaries to be fixed by the state highways and transportation
11 commission and local officials in cooperation with each other and
12 approved by the Secretary of Transportation. The boundary of an
13 urbanized area shall, at a minimum, encompass the entire
14 urbanized area as designed by the Bureau of the Census.

15 304.022. 1. Upon the immediate approach of an emergency
16 vehicle giving audible signal by siren or while having at least
17 one lighted lamp exhibiting red light visible under normal
18 atmospheric conditions from a distance of five hundred feet to
19 the front of such vehicle or a flashing blue light authorized by
20 section 307.175, RSMo, the driver of every other vehicle shall
21 yield the right-of-way and shall immediately drive to a position
22 parallel to, and as far as possible to the right of, the traveled
23 portion of the highway and thereupon stop and remain in such
24 position until such emergency vehicle has passed, except when
25 otherwise directed by a police or traffic officer.

26 2. Upon approaching a stationary emergency vehicle
27 displaying lighted red or red and blue lights, the driver of
28 every motor vehicle shall:

1 (1) Proceed with caution and yield the right-of-way, if
2 possible with due regard to safety and traffic conditions, by
3 making a lane change into a lane not adjacent to that of the
4 stationary vehicle, if on a roadway having at least four lanes
5 with not less than two lanes proceeding in the same direction as
6 the approaching vehicle; or

7 (2) Proceed with due caution and reduce the speed of the
8 vehicle, maintaining a safe speed for road conditions, if
9 changing lanes would be unsafe or impossible.

10 3. The motorman of every streetcar shall immediately stop
11 such car clear of any intersection and keep it in such position
12 until the emergency vehicle has passed, except as otherwise
13 directed by a police or traffic officer.

14 [3.] 4. An "emergency vehicle" is a vehicle of any of the
15 following types:

16 (1) A vehicle operated by the state highway patrol, the
17 state water patrol or a state park ranger, those vehicles
18 operated by enforcement personnel by the division of motor
19 carrier and railroad safety of the department of economic
20 development, police or fire department, sheriff, constable or
21 deputy sheriff, federal law enforcement officer authorized to
22 carry firearms and to make arrests for violations of the laws of
23 the United States, traffic officer or coroner or by a privately
24 owned emergency vehicle company;

25 (2) A vehicle operated as an ambulance or operated
26 commercially for the purpose of transporting emergency medical
27 supplies or organs;

28 (3) Any vehicle qualifying as an emergency vehicle pursuant

1 to section 307.175, RSMo;

2 (4) Any wrecker, or tow truck or a vehicle owned and
3 operated by a public utility or public service corporation while
4 performing emergency service;

5 (5) Any vehicle transporting equipment designed to
6 extricate human beings from the wreckage of a motor vehicle;

7 (6) Any vehicle designated to perform emergency functions
8 for a civil defense or emergency management agency established
9 pursuant to the provisions of chapter 44, RSMo;

10 (7) Any vehicle operated by an authorized employee of the
11 department of corrections, who as part of the employee's official
12 duties, is responding to a riot, disturbance, hostage incident,
13 escape or other critical situation where there is the threat of
14 serious physical injury or death, responding to mutual aid call
15 from another criminal justice agency, or in accompanying an
16 ambulance which is transporting an offender to a medical
17 facility;

18 (8) Any vehicle designated to perform hazardous substance
19 emergency functions established pursuant to the provisions of
20 sections 260.500 to 260.550, RSMo.

21 [4.] 5. (1) The driver of any vehicle referred to in
22 subsection [3] 4 of this section shall not sound the siren
23 thereon or have the front red lights or blue lights on except
24 when such vehicle is responding to an emergency call or when in
25 pursuit of an actual or suspected law violator, or when
26 responding to, but not upon returning from, a fire;

27 (2) The driver of an emergency vehicle may:

28 (a) Park or stand irrespective of the provisions of

1 sections 304.014 to 304.026;

2 (b) Proceed past a red or stop signal or stop sign, but
3 only after slowing down as may be necessary for safe operation;

4 (c) Exceed the prima facie speed limit so long as the
5 driver does not endanger life or property;

6 (d) Disregard regulations governing direction of movement
7 or turning in specified directions;

8 (3) The exemptions herein granted to an emergency vehicle
9 shall apply only when the driver of any such vehicle while in
10 motion sounds audible signal by bell, siren, or exhaust whistle
11 as may be reasonably necessary, and when the vehicle is equipped
12 with at least one lighted lamp displaying a red light or blue
13 light visible under normal atmospheric conditions from a distance
14 of five hundred feet to the front of such vehicle.

15 [5.] 6. No person shall purchase an emergency light as
16 described in this section without furnishing the seller of such
17 light an affidavit stating that the light will be used
18 exclusively for emergency vehicle purposes.

19 [6.] 7. Violation of this section shall be deemed a class
20 C misdemeanor.

21 304.027. 1. There is hereby created in the state treasury
22 for use by the board of curators of the University of Missouri a
23 fund to be known as the "Spinal Cord Injury Fund". All judgments
24 collected pursuant to this section, appropriations of the general
25 assembly, federal grants, private donations and any other moneys
26 designated for the spinal cord injury fund established pursuant
27 to sections 302.133 to 302.138, RSMo, shall be deposited in the
28 fund. Moneys deposited in the fund shall, upon appropriation by

1 the general assembly to the board of curators, be received and
2 expended by the board for the purpose of funding research
3 projects that promote an advancement of knowledge in the area of
4 spinal cord injury. Notwithstanding the provisions of section
5 33.080, RSMo, to the contrary, any unexpended balance in the
6 spinal cord injury fund at the end of any biennium shall not be
7 transferred to the general revenue fund.

8 2. [Any person who is convicted of an intoxication-related
9 offense, as defined by section 577.023, RSMo, shall have a
10 judgment entered against the defendant in favor of the spinal
11 cord injury fund, in the amount of twenty- five dollars.

12 3.] In all criminal cases including violations of any
13 county ordinance or any violation of criminal or traffic laws of
14 this state, including an infraction, there shall be assessed as
15 costs a surcharge in the amount of two dollars. No such
16 surcharge shall be collected in any proceeding involving a
17 violation of an ordinance or state law when the proceeding or
18 defendant has been dismissed by the court or when costs are to be
19 paid by the state, county or municipality. Such surcharge shall
20 be collected and disbursed by the clerk of the court as provided
21 by sections 488.010 to 488.020. The [judgments] surcharge
22 collected pursuant to this section shall be paid into the state
23 treasury to the credit of the spinal cord injury fund created in
24 this section. [Any court clerk receiving funds pursuant to
25 judgments entered pursuant to this section shall collect and
26 disburse such amounts as provided in sections 488.010 to 488.020,
27 RSMo.]

28 304.028. 1. There is hereby created in the state treasury

1 for use by the Missouri Head Injury Advisory Council a fund to be
2 known as the "Head Injury Fund". All judgments collected
3 pursuant to this section, federal grants, private donations and
4 any other moneys designated for the head injury fund shall be
5 deposited in the fund. Moneys deposited in the fund shall, upon
6 appropriation by the general assembly to the office of
7 administration, be received and expended by the council for the
8 purpose of transition and integration of medical, social and
9 educational services or activities for purposes of outreach and
10 short-term supports to enable individuals with traumatic head
11 injury and their families to live in the community, including
12 counseling and mentoring the families. Notwithstanding the
13 provisions of section 33.080, RSMo, to the contrary, any
14 unexpended balance in the head injury fund at the end of any
15 biennium shall not be transferred to the general revenue fund.

16 2. In all criminal cases including violations of any county
17 ordinance or any violation of criminal or traffic laws of this
18 state, including an infraction, there shall be assessed as costs
19 a surcharge in the amount of two dollars. No such surcharge
20 shall be collected in any proceeding involving a violation of an
21 ordinance or state law when the proceeding or defendant has been
22 dismissed by the court or when costs are to be paid by the state,
23 county or municipality.

24 3. Such surcharge shall be collected and distributed by the
25 clerk of the court as provided in sections 488.010 to 488.020,
26 RSMo. The surcharge collected pursuant to this section shall be
27 paid to the state treasury to the credit of the head injury fund
28 established in this section.

1 304.200. 1. The chief engineer of the state department of
2 transportation, for good cause shown and when the public safety
3 or public interest so justifies, shall issue special permits for
4 vehicles or equipment exceeding the limitations on width, length,
5 height and weight herein specified, or which are unable to
6 maintain minimum speed limits. Such permits shall be issued only
7 for a single trip or for a definite period, not beyond the date
8 of expiration of the vehicle registration, and shall designate
9 the highways and bridges which may be used pursuant to the
10 authority of such permit.

11 2. The chief engineer of the state department of
12 transportation shall upon proper application and at no charge
13 issue a special permit to any person allowing the movement on
14 state and federal highways of farm products between sunset and
15 sunrise not in excess of fourteen feet in width. Special permits
16 allowing movement of oversize loads of farm products shall allow
17 for movement between sunset and sunrise, subject to appropriate
18 requirements for safety lighting on the load, appropriate limits
19 on load dimensions and appropriate consideration of high traffic
20 density between sunset and sunrise on the route to be traveled.

21 [The chief engineer may also issue upon proper application a
22 special permit to any person allowing the movement on the state
23 and federal highways of vehicles hauling lumber products and
24 earth-moving equipment not in excess of fourteen feet in width.]

25 The chief engineer may also issue upon proper application a
26 special permit to any person allowing the movement on the state
27 and federal highways of concrete pump trucks or well-drillers
28 equipment. For the purposes of this section, "farm products"

1 shall have the same meaning as provided in section 400.9-109,
2 RSMo.

3 3. Rules and regulations for the issuance of special
4 permits shall be prescribed by the state highways and
5 transportation commission and filed with the secretary of state.
6 No rule or portion of a rule promulgated pursuant to the
7 authority of section 304.010 and this section shall become
8 effective unless it has been promulgated pursuant to the
9 provisions of chapter 536, RSMo.

10 4. The officer in charge of the maintenance of the streets
11 of any municipality may issue such permits for the use of the
12 streets by such vehicles within the limits of such
13 municipalities.

14 5. In order to transport manufactured homes, as defined in
15 section 700.010, RSMo, on the roads, highways, bridges and other
16 thoroughfares within this state, only the applicable permits
17 required by this section shall be obtained.

18 304.370. 1. For the purpose of this section, hazardous
19 materials shall be defined pursuant to Part 397, Title 49, Code
20 of Federal Regulations, as adopted and amended.

21 2. No person shall transport hazardous materials in or
22 through any highway tunnel in this state. For purposes of this
23 section, a tunnel shall be defined as a horizontal subterranean
24 passageway through or under an obstruction of a length of one
25 hundred yards or more.

26 3. No person shall park a vehicle containing hazardous
27 materials within three hundred feet of any highway tunnel in this
28 state except as provided pursuant to Part 397, Title 49, Code of

1 Federal Regulations, as such regulations have been and may
2 periodically be amended.

3 4. Any person who is found or pleads guilty to a violation
4 of this section shall be guilty of a class B misdemeanor. Any
5 person who is found or pleads guilty to a second or subsequent
6 violation of this section shall be guilty of a class A
7 misdemeanor. Violations of this section shall be enforced
8 pursuant to section 390.201, RSMo.

9 307.205. 1. For the purposes of sections 307.205 to
10 307.211, "electric personal assistive mobility device" (EPAMD)
11 shall mean a self-balancing, two nontandem wheeled device,
12 designed to transport only one person, with an electric
13 propulsion system with an average power of seven hundred fifty
14 watts (one horsepower), whose maximum speed on a paved level
15 surface, when powered solely by such a propulsion system while
16 ridden by an operator who weighs one hundred seventy pounds, is
17 less than twenty miles per hour.

18 2. An electric personal assistive mobility device may be
19 operated upon a street, highway, sidewalk, and bicycle path.
20 Every person operating such a device shall be granted all of the
21 rights and be subject to all of the duties applicable to a
22 pedestrian pursuant to chapter 304, RSMo.

23 3. Persons under sixteen years of age shall not operate an
24 electric personal assistive mobility device, except for an
25 operator with a mobility-related disability.

26 4. An electric personal assistive mobility device shall be
27 operated only on roadways with a speed limit of forty-five miles
28 per hour or less. This shall not prohibit the use of such device

1 when crossing roadways with speed limits in excess of forty-five
2 miles per hour.

3 5. A city or town shall have the authority to impose
4 additional regulations on the operation of an electric personal
5 assistive mobility device within its city or town limits.

6 307.207. Every electric personal assistive mobility device
7 (EPAMD) when in use on a roadway during the period from one-half
8 hour after sunset to one-half hour before sunrise shall be
9 equipped with the following:

10 (1) A front-facing lamp on the front or carried by the
11 rider which shall emit a white light visible at night under
12 normal atmospheric conditions on a straight, level, unlighted
13 roadway at five hundred feet;

14 (2) A rear-facing red reflector, at least two square inches
15 in reflective surface area, or a rear-facing red lamp, on the
16 rear which shall be visible at night under normal atmospheric
17 conditions on a straight, level, unlighted roadway when viewed by
18 a vehicle driver under the lower beams of vehicle headlights at
19 six hundred feet.

20 307.209. Every person operating an electric personal
21 assistive mobility device (EPAMD) at less than the posted speed
22 or slower than the flow of traffic upon a street or highway shall
23 ride as near to the right side of the roadway as safe, exercising
24 due care when passing a standing vehicle or one proceeding in the
25 same direction, except when making a left turn, when avoiding
26 hazardous conditions, when the lane is too narrow to share with
27 another vehicle, or when on a one-way street.

28 307.211. Any person seventeen years of age or older who

1 violates any provision of sections 307.205 to 307.211 is guilty
2 of an infraction and, upon conviction thereof, shall be punished
3 by a fine of not less than five dollars nor more than twenty-five
4 dollars. Such an infraction does not constitute a crime and
5 conviction shall not give rise to any disability or legal
6 disadvantage based on conviction of a criminal offense. If any
7 person under seventeen years of age violates any provision of
8 section 307.205 to 307.211 in the presence of a peace officer
9 possessing the duty and power of arrest for violation of the
10 general criminal laws of the state or for violation of ordinances
11 of counties or municipalities of the state, said officer may
12 impound the electric personal assistive mobility device (EPAMD)
13 involved for a period not to exceed five days upon issuance of a
14 receipt to the child riding it or to its owner.

15 307.402. All state agencies owning motor vehicles shall be
16 responsible for obtaining an inspection of each of their
17 vehicle's mechanism and equipment in accordance with the
18 provisions of sections 307.350 to 307.402 and obtaining a
19 certificate of inspection and approval and a sticker, seal or
20 other device from a duly authorized official inspection station.

21 575.010. The following definitions shall apply to chapters
22 575 and 576, RSMo:

23 (1) "Affidavit" means any written statement which is
24 authorized or required by law to be made under oath, and which is
25 sworn to before a person authorized to administer oaths;

26 (2) "Government" means any branch or agency of the
27 government of this state or of any political subdivision thereof;

28 (3) "Highway", means any public road or thoroughfare for

1 vehicles, including state roads, county roads and public streets,
2 avenues, boulevards, parkways or alleys in any municipality;

3 [(3)] (4) "Judicial proceeding" means any official
4 proceeding in court, or any proceeding authorized by or held
5 under the supervision of a court;

6 [(4)] (5) "Juror" means a grand or petit juror, including
7 a person who has been drawn or summoned to attend as a
8 prospective juror;

9 [(5)] (6) "Jury" means a grand or petit jury, including
10 any panel which has been drawn or summoned to attend as
11 prospective jurors;

12 [(6)] (7) "Official proceeding" means any cause, matter,
13 or proceeding where the laws of this state require that evidence
14 considered therein be under oath or affirmation;

15 [(7)] (8) "Police animal" means a dog, horse or other
16 animal used in law enforcement or a correctional facility, or by
17 a municipal police department, fire department, search and rescue
18 unit or agency, whether the animal is on duty or not on duty.
19 The term shall include, but not be limited to, accelerant
20 detection dogs, bomb detection dogs, narcotic detection dogs,
21 search and rescue dogs and tracking animals;

22 [(8)] (9) "Public record" means any document which a
23 public servant is required by law to keep;

24 [(9)] (10) "Testimony" means any oral statement under oath
25 or affirmation;

26 [(10)] (11) "Victim" means any natural person against whom
27 any crime is deemed to have been perpetrated or attempted;

28 [(11)] (12) "Witness" means any natural person:

1 (a) Having knowledge of the existence or nonexistence of
2 facts relating to any crime; or

3 (b) Whose declaration under oath is received as evidence
4 for any purpose; or

5 (c) Who has reported any crime to any peace officer or
6 prosecutor; or

7 (d) Who has been served with a subpoena issued under the
8 authority of any court of this state.

9 575.145. It shall be the duty of the operator or driver of
10 any vehicle or the rider of any animal traveling on the highways
11 of this state to stop on signal of any sheriff or deputy sheriff
12 and to obey any other reasonable signal or direction of such
13 sheriff or deputy sheriff given in directing the movement of
14 traffic on the highways. Any person who willfully fails or
15 refuses to obey such signals or directions or who willfully
16 resists or opposes a sheriff or deputy sheriff in the proper
17 discharge of his or her duties shall be guilty of a class A
18 misdemeanor and on conviction thereof shall be punished as
19 provided by law for such offenses.

20 575.150. 1. A person commits the crime of resisting or
21 interfering with arrest, detention, or stop if, knowing that a
22 law enforcement officer is making an arrest, or attempting to
23 lawfully detain or stop an individual or vehicle, or the person
24 reasonably should know that a law enforcement officer is making
25 an arrest or attempting to lawfully detain or lawfully stop an
26 individual or vehicle, for the purpose of preventing the officer
27 from effecting the arrest, stop or detention, the person:

28 (1) Resists the arrest, stop or detention of such person by

1 using or threatening the use of violence or physical force or by
2 fleeing from such officer; or

3 (2) Interferes with the arrest, stop or detention of
4 another person by using or threatening the use of violence,
5 physical force or physical interference.

6 2. This section applies to arrests, stops or detentions
7 with or without warrants and to arrests, stops or detentions for
8 any crime, infraction or ordinance violation.

9 3. A person is presumed to be fleeing a vehicle stop if
10 that person continues to operate a motor vehicle after that
11 person has seen or should have seen clearly visible emergency
12 lights or has heard or should have heard an audible signal
13 emanating from the law enforcement vehicle pursuing that person.

14 4. It is no defense to a prosecution pursuant to subsection
15 1 of this section that the law enforcement officer was acting
16 unlawfully in making the arrest. However, nothing in this
17 section shall be construed to bar civil suits for unlawful
18 arrest.

19 [4. Resisting, by means other than flight, or interfering
20 with an arrest for a felony, is a class D felony; otherwise,
21 resisting or interfering with arrest is a class A misdemeanor.]

22 5. Resisting or interfering with an arrest for a felony is
23 a class D felony; otherwise, resisting or interfering with an
24 arrest, detention or stop is a class A misdemeanor.

25 622.555. 1. The division of motor carrier and railroad
26 safety may grant a skill performance evaluation certificate to a
27 person who is not physically qualified to drive under Code of
28 Federal Regulations, title 49, section 391.41. A skill

1 performance evaluation certificate granted pursuant to this
2 section shall apply to intrastate transportation only. The skill
3 performance evaluation certificate shall be in the possession of
4 the commercial driver any time he or she is operating a
5 commercial motor vehicle.

6 2. A person who wishes to obtain a skill performance
7 evaluation certificate under this section shall submit to the
8 division the following information:

9 (1) The applicant's name, address, and telephone number;

10 (2) The name, address, and telephone number of an employer
11 co-applicant, if any;

12 (3) A description of the applicant's experience in driving
13 the type of vehicle to be operated under the skill performance
14 evaluation certificate;

15 (4) A description of the type of driving to be done under
16 the skill performance evaluation certificate;

17 (5) A description of any modifications to the vehicle the
18 applicant intends to drive under the skill performance evaluation
19 certificate that are designed to accommodate the applicant's
20 medical condition or disability;

21 (6) Whether the applicant has previously been granted
22 another skill performance evaluation certificate pursuant to this
23 section;

24 (7) A copy of the applicant's current commercial driver's
25 license;

26 (8) A copy of a medical examiner's certificate showing that
27 the applicant is medically unqualified to drive;

28 (9) A statement from the applicant's treating physician

1 that includes:

2 (a) The extent to which the physician is familiar with the
3 applicant's medical history;

4 (b) A description of the applicant's medical condition for
5 which a skill performance evaluation certificate is necessary;

6 (c) Assurance that the applicant has the ability and
7 willingness to follow any course of treatment prescribed by the
8 physician, including the ability to self-monitor or manage the
9 medical condition; and

10 (d) The physician's professional opinion that the
11 applicant's condition will not adversely affect the applicant's
12 ability to operate a commercial motor vehicle safely; and

13 (10) Any other information considered necessary by the
14 division including requiring a physical examination or medical
15 report from a physician who specializes in a particular field of
16 medical practice.

17 3. The division of motor carrier and railroad safety shall
18 promulgate rules and regulations to provide skill performance
19 evaluation certificates for individuals who have failed to meet
20 the specified federal driver's physical qualifications under 49
21 CFR 391.41. Any rule or regulation promulgated shall only
22 authorize such individual to operate a commercial motor vehicle
23 within Missouri. The regulations promulgated pursuant to this
24 section may only be implemented if the United States Department
25 of Transportation (USDOT) will not impose any sanctions,
26 including funding sanctions, against the state.

27 4. As used in this section, the term "skill performance
28 evaluation certificate" means approval granted by the division of

1 motor carrier and railroad safety allowing a driver to drive
2 commercial motor vehicles intrastate even though the driver may
3 not meet the minimum federal fitness standards to drive
4 commercial motor vehicles interstate.

5 5. Any rule or portion of a rule, as that term is defined
6 in section 536.010, RSMo, that is created under the authority
7 delegated in this section shall become effective only if it
8 complies with and is subject to all of the provisions of chapter
9 536, RSMo, and, if applicable, section 536.028, RSMo. This
10 section and chapter 536, RSMo, are nonseverable and if any of the
11 powers vested with the general assembly pursuant to chapter 536,
12 RSMo, to review, to delay the effective date or to disapprove and
13 annul a rule are subsequently held unconstitutional, then the
14 grant of rulemaking authority and any rule proposed or adopted
15 after August 28, 2002, shall be invalid and void.

16 [61.021. The county highway administrator shall
17 be a resident of the state of Missouri.]
18

19 [300.125. 1. All written reports made by persons
20 involved in accidents or by garages shall be without
21 prejudice to the individual so reporting and shall be
22 for the confidential use of the police department or
23 other governmental agencies having use for the records
24 for accident prevention purposes, except that the
25 police department or other governmental agency may
26 disclose the identity of a person involved in an
27 accident when such identity is not otherwise known or
28 when such person denies his presence at such accident.

29 2. No written reports forwarded under the
30 provisions of this section shall be used as evidence in
31 any trial, civil or criminal, arising out of an
32 accident except that the police department shall
33 furnish upon demand of any party to such trial, or upon
34 demand of any court, a certificate showing that a
35 specified accident report has or has not been made to
36 the department in compliance with law, and, if such
37 report has been made, the date, time and location of
38 the accident, the names and addresses of the drivers,
39 the owners of the vehicles involved, and the

1 investigating officers.]
2

3 [300.595. 1. Members of the police department
4 are authorized to remove a vehicle from a street or
5 highway to the nearest garage or other place of safety,
6 or to a garage designated or maintained by the police
7 department, or otherwise maintained by the city under
8 the circumstances hereinafter enumerated:

9 (1) When any vehicle is left unattended upon any
10 bridge, viaduct, or causeway, or in any tube or tunnel
11 where such vehicle constitutes an obstruction to
12 traffic;

13 (2) When a vehicle upon a highway is so disabled
14 as to constitute an obstruction to traffic and the
15 person in charge of the vehicle is by reason of
16 physical injury incapacitated to such an extent as to
17 be unable to provide its custody or removal;

18 (3) When any vehicle is left unattended upon a
19 street and is so parked illegally as to constitute a
20 definite hazard or obstruction to the normal movement
21 of traffic.

22 2. Whenever an officer removes a vehicle from a
23 street as authorized in this section and the officer
24 knows or is able to ascertain from the registration
25 records in the vehicle the name and address of the
26 owner thereof, such officer shall immediately give or
27 cause to be given notice in writing to such owner of
28 the fact of such removal and the reasons therefor and
29 of the place to which such vehicle has been removed.
30 In the event any such vehicle is stored in a public
31 garage, a copy of such notice shall be given to the
32 proprietor of such garage.

33 3. Whenever an officer removes a vehicle from a
34 street under this section and does not know and is not
35 able to ascertain the name of the owner, or for any
36 other reason is unable to give the notice to the owner
37 as hereinbefore provided, and in the event the vehicle
38 is not returned to the owner within a period of three
39 days, then and in that event the officer shall
40 immediately send or cause to be sent a written report
41 of such removal by mail to the state department whose
42 duty it is to register motor vehicles, and shall file a
43 copy of such notice with the proprietor of any public
44 garage in which the vehicle may be stored. Such notice
45 shall include a complete description of the vehicle,
46 the date, time, and place from which removed, the
47 reasons for such removal, and the name of the garage or
48 place where the vehicle is stored.]

49 Section B. Because immediate action is necessary to provide

1 more efficient tracking and administration of state-owned
2 vehicles, the enactment of sections 37.450, 37.452 and 307.402 of
3 this act is deemed necessary for the immediate preservation of
4 the public health, welfare, peace and safety, and is hereby
5 declared to be an emergency act within the meaning of the
6 constitution, and the enactment of sections 37.450, 37.452 and
7 307.402 of this act shall be in full force and effect upon its
8 passage and approval.